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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,954	10/14/2005	Gary Davidson	AAIRB.0102US	6879
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EXAMINER				
NGUYEN, HUY D				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/552,954

**Applicant(s)**

DAVIDSON ET AL.

**Examiner**

HUY D. NGUYEN

**Art Unit**

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-49 and 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-49 and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 33-36, 39-42, 45-48, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loder (U.S. Patent No. 5,748,720) in view of Wallenius (U.S. 6,625,268).

Regarding claims 33, 42, 48, Loder teaches a prepaid wireless communication system, comprising: (a) at least one wireless service provider (e.g., home network – see col. 1, line 48); (b) a prepaid application server that stores an amount of authorized time units available in a registered account for use with said wireless service provider (see col. 1, lines 44-48); and (c) a mobile device containing a subscriber identity module (SIM) that corresponds to said registered account on the prepaid application server, wherein the SIM includes memory that stores said amount of time units available in the account, and wherein the SIM stores a prepaid application that independently monitors the duration of wireless service used by the mobile device and decreases the amount of available time units in memory accordingly, and wherein the prepaid application stored on the SIM instructs the mobile device to disconnect from the wireless service if the amount of available time units reaches a predetermined minimum value (see column 3, lines 26-43). Loder does not explicitly teach that the predetermined minimum value is 0. However, it would have been obvious to have set the predetermined minimum value 0 in order to prevent the user from using unpaid minutes. Loder does not explicitly teach that the prepaid fund

is related to the amount of time. However, the preceding limitation is taught in Wallenius (e.g., user of a mobile station can purchase a smart card similar to the SIM card, in which a call time is preprogrammed for a given sum of money, see column 3, lines 3-5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Wallenius to the teaching of Loder to make clear to the user the amount of time available for a given sum of money.

Regarding claims 34, 36, Loder teaches after completion of each wireless service use by said mobile device, the wireless service provider sends the prepaid application server a record detailing the duration of said use, wherein the prepaid application server decreases the amount of available time units in said registered account by said duration and deactivates the account if the amount of available time units reaches zero (see col. 3, lines 26-39).

Regarding claims 35, 51, Loder teaches if the duration of use reported by the wireless service provider exceeds the authorized amount of available time units for said account, the prepaid application, server concludes fraudulent activity and deactivates the mobile device (see col. 3, lines 49-50).

Regarding claims 39, 45, Loder teaches wherein the mobile device utilizes wireless services via GSM, CDMA, FDMA, or GPRS communications protocol (see col. 4, line 41).

Regarding claims 40, 46, Loder teaches the SIM provides a notification to a user when the amount of available time units reaches one or more thresholds (see col. 3, lines 33-34).

Regarding claims 41, 47, Loder in view of Wallenius does not teach wherein said registered account is authorized to use said available time units with multiple wireless service providers. However, it would have been obvious to have authorized to use said available time

units with multiple wireless service providers in order not to terminate call in progress when the users roam to different networks (MPEP 2143).

3. Claims 37, 43, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loder in view of Wallenius and in further view of Doran et al. (US 2006/0069642 A1).

Regarding claims 37, 43, 49, the combination of Loder and Wallenius teaches the claimed invention except if additional flat-rate time units are purchased for said registered account, the prepaid service provider updates the amount of available time units in the account and sends a message to the mobile device to update the amount of available time units stored in the SIM to bring the SIM into agreement with the prepaid service account. However, the preceding limitation is taught in Doran et al. (see paragraph [0035]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Doran et al. to the teaching of Loder and Wallenius for providing or reloading prepaid cash cards, phone cards.

4. Claims 38, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loder in view of Wallenius, Doran et al. (US 2006/0069642 A1) and in further view of Laybourn et al. (US 2003/0008634 A1).

Regarding claims 38, 44, the combination of Loder, Wallenius and Doran et al. teaches the claimed invention except the use of SMS. However, the preceding limitation is taught in Laybourn et al. (see the abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Laybourn et al. to the teaching of

Loder, Wallenius, and Doran et al. so that the provider can use SMS messages to update the device's memory to include an alternative tariff or rate table.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY D. NGUYEN whose telephone number is (571)272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huy D Nguyen/  
Examiner, Art Unit 2617

/Sharad Rampuria/  
Primary Examiner, Art Unit 2617